



**In the Missouri Court of Appeals
Eastern District
NORTHERN DIVISION**

DAVID ALAN CROW,)	No. ED92412
)	
Appellant,)	Appeal from the Circuit Court
)	of Monroe County
vs.)	10V060500055-04
)	
JUDY LYNETTE CROW,)	Honorable Ronald R. McKenzie
)	
Respondent.)	Filed: December 8, 2009

OPINION SUMMARY

David Alan Crow ("Father") appeals the judgment refusing to modify the amount of his child support obligation to Judy Lynette Crow. Father's only point on appeal alleges the judgment was erroneous because it was not supported by the evidence and was against the weight of the evidence.

APPEAL DISMISSED.

Northern Division holds:

- (1) The trial court failed to make findings required by Rule 88.01.¹ Specifically, the trial court failed to determine and find for the record the presumed correct child support amount pursuant to Civil Procedure Form No. 14.
- (2) Pursuant to the June 2004 amendment to Rule 78.07, Rule 78.07(c) now provides that allegations of error relating to a failure to make required findings in a court-tried case are not preserved for appeal and are thereby waived unless raised in a post-trial motion to amend the judgment. As a matter of first impression, Rule 78.07(c) encompasses allegations of error relating to a trial court's failure to make findings required by Rule 88.01.

¹ All references to Rules are to Missouri Supreme Court Rules (2009).

- (3) Because Father did not file a post-trial motion to amend the trial court's judgment alleging the court failed to make findings required by Rule 88.01, he did not preserve his allegations of error for appellate review pursuant to Rule 78.07(c).
- (4) We dismiss Father's appeal on the grounds he failed to preserve his allegations of error for review.

Opinion by: Glenn A. Norton, P.J. Clifford H. Ahrens, J. & Roy L. Richter, J., concur

Attorney for the Appellant: Stephen Ray Porter

Respondent Pro Se: Judy Lynette Crow

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.
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